IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1519 of 2006

KAMAL AGARWAL & ORS.
V/S
SHEELA DEVI & ORS.

Mr. ANIL VYAS, for the appellant / petitioner

MOHD. ASLAM for Mr. MANISH SHISHODIA, for the respondent

Date of Order : 9.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned lower Appellate Court partly allowed both the appeals. Deciding appeal No.24/06 the learned lower Appellate Court had restrained the plaintiff from obstructing the demolition of latrines, and from allowing the defendant to raise construction. Likewise, partly allowing appeal No.17/06, it was directed that the defendant will not raise any construction in the south of the latrines, and towards the north of the plaintiff's quarters.

This order was passed way-back on 27.2.2006, and the writ petition was filed on 9.3.2006, since then no interim orders have been passed, and the matter is simply being adjourned. It is, in this background that on the last date of hearing, it was informed by learned counsel for the respondent that in compliance of the order, the latrines

have been demolished, and boundary wall has been constructed. Learned counsel for the petitioner sought time to take instructions, as to whether the petition survives, but today learned counsel submits that he could not take instructions. Be that as it may.

In my view, the interest of justice would be served by directing that status quo as it exists today be maintained, and at the same time, also in directing the learned trial Court to decide the main suit most expeditiously.

Accordingly, the writ petition is disposed of with issuing the above directions.

(N P GUPTA),J.

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